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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO. CR06-358-TSZ
10 Plaintiff,)
11 v.)
12 THOMAS MICHAEL CARVER,)
13 Defendant.)
14)

15 An evidentiary hearing on supervised release revocation in this case was scheduled
16 before me on April 25, 2012. The United States was represented by AUSA Thomas Bates and
the defendant by Jennifer Horwitz. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 2, 2007 by the Honorable Thomas
18 S. Zilly on a charge of Distribution of Methamphetamine, and sentenced to 36 months custody,
19 3 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,
22 submit to search, provide his probation officer with financial information on request and be

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 prohibited from incurring new credit obligations or opening new lines of credit. (Dkt. 38.)

02 Defendant's probation officer reported on June 13, 2011 that defendant tested positive
03 for methamphetamine on January 26, 2011. (Dkt. 39.) Defendant was reprimanded, placed
04 in a structured testing program with increased frequency of testing and referred for counseling.
05 No further action was taken at the time. Another positive test was reported on December 12,
06 2011, relating to September 16, 2011. (Dkt. 39) Defendant was referred for professional
07 assessment and intensive outpatient treatment. Defendant's probation officer reported
08 positive tests for methamphetamine on January 25 and February 1, 2012, and noted that
09 defendant failed to attend substance abuse counseling in January 2012. (Dkt. 41, 42.)
10 Defendant was advised that a warrant would issue if further violations occurred. (Dkt. 41 at 2.)

11 In an application dated April 18, 2012 (Dkt. 43, 44), U.S. Probation Officer Andrew J.
12 Lorenzen alleged the following violation of the conditions of supervised release:

13 1. Using Methamphetamine on or before January 25, February 1, and April 9,
14 2012, in violation of standard condition 7.

15 Defendant was advised in full as to the charge and as to his constitutional rights.

16 Defendant admitted the violation and waived any evidentiary hearing as to whether it
17 occurred. (Dkt.48.)

18 I therefore recommend the Court find defendant violated his supervised release as
19 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
20 hearing will be set before Judge Zilly.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 25th day of April, 2012.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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08 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Thomas Bates
09 Defendant's attorney: Jennifer Horwitz
Probation officer: Andrew J. Lorenzen
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